IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12697 of 2004

Between:

Smt.K.Rama devi, w/o K.Bapu Rao,
Upa Sarpanch, Konchada Gram Panchayat, Ponduru Mandal, Srikakulam

District.

..... PETITIONER

AND

1 District Collector (Panchayats) Srikakulam District, Srikakulam.
2 Chief Planning Officer, Panchayat Wing, Srikakulam, Srikakulam District.
3 Deputy Executive Engineer (Panchayat Raj) Ponduru, Srikakulam District.
4 Payyala Thaviti Raju, s/o Surappa,
Sarpanch, Konchada Gram Panchayat, Ponduru Mandal, Srikakulam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the action of the 1st respondent in not initiating action against the 4th respondent under Section 249 of A.P.Panchayat Raj Act, 1994, including the action of the 4th respondent in allotting the repairs of Jogicheruvu Tank in Konchada Gram Panchayat, Ponduru Mandal, Srikakulam District contrary to the wishes of the Gram Panchayat as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the 1st respondent to initiate action against the 4th respondent with regard to discharge of his official duties forthwith and pass such other or further orders as are necessary.

Counsel for the Petitioner:MR.M.PRASADA RAO

Counsel for Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission made the following Order:

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12697 of 2004

ORDER:

The petitioner, who is Upa Sarpanch of Konchada Gram Panchayat, Ponduru Mandal, filed the present writ petition complaining that the Gram Panchayat passed a resolution dated 29-04-2003 against the repair works of Jogicheruvu tank, since there are other works, which are to be attended on priority basis. In spite of the said resolution, Sarpanch permitted repair works to be carried on to the said tank under 'Food for Work Programme' and the same was entrusted to the contractor. Contrary to the said scheme, the contractor to whom the work is entrusted is executing the work with crushers and bulldozers. In view of the same, the petitioner moved this Court by way of the present writ petition to stay the execution of the repair work to the said tank.

The petitioner has not stated how the genuine public interest is involved in the litigation, in executing the said work, except stating that the Contractor is executing the said work by using crushers and bulldozers.

It is always open for the petitioner to make a representation to the first respondent-District Collector concerned who is the implementing authority to execute the said work and see that sufficient labour will be engaged under 'Food for Work Programme' and the works allotted under the said programme cannot be executed by using the machinery, and on making such representation, the first respondent shall consider the same and pass appropriate orders.

With the above observation, the writ petition is disposed of at the stage of admission.

21-07-2004

kdl

To

1 District Collector (Panchayats) Srikakulam District, Srikakulam.
2 Chief Planning Officer, Panchayat Wing, Srikakulam, Srikakulam District.
3 Deputy Executive Engineer (Panchayat Raj) Ponduru, Srikakulam District.
4. Two C.Cs. to the Government Pleader for Panchayat Raj & Rural

Development, High Court Buildings, A.P., Hyderabad (OUT).

5 Two C.D. Copies.